

Indiana Real Estate Commission

June 1, 2011

MINUTES

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

Commissioner Lunsford called the meeting to order at 8:50 a.m. in Conference Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204 and declared a quorum, in accordance with Ind. Code § 25-34.1-2-3(b).

Commission Members Present:

Carolyn McClintock
Mark Bock
Paul Boyter
Norman E. McClain
Timothy M. Reed
Michael Lunsford
Sue Cox
H. James Litten
Jarod Brown
Charles (Charlie) W. Shook

Commission Members Absent:

Susan Daniel
DJ Hines

State Officials Present:

Jeanette Roberts, Commission Director, Indiana Professional Licensing Agency
Torria Reed, Assistant Director, Indiana Professional Licensing Agency
Eric Felde, Compliance Director, Indiana Professional Licensing Agency
Jim Schmidt, Commission Advisory Counsel, Office of the Attorney General

Transcriptionist:

Sherri Rutledge

II. APPROVAL OF MINUTES

A motion was made and seconded to approve the minutes from the last meeting of the Commission.

McClain/Lunsford
10/0/0 Motion carried.

III. ADVISORY COUNSEL'S REPORT

Jim Schmidt gave a short report.

IV. COMMITTEE MEETINGS

V. INDIANA ATTORNEY GENERAL'S OFFICE REPORT

Jennie Beller provides the report on behalf of the Attorney General's Office. Since January 1, 2011 they have opened 170 consumer complaints, closed 185 complaints, filed 26 litigation files, and have closed 27 litigation files. They are working to get through cases with the oldest complaint is from 2009.

VI. STAFF REPORT REGARDING PROBATION

A. Respondent request for letter of compliance

VII. ADMINISTRATIVE HEARINGS

A. In the matter of the license of Michael Kirkman

IREC 09-22

Re: Request for Withdrawal of Probation

Present:

Michael Kirkman

A motion was made and seconded to withdraw the probation on the license.

Boyter/Cox

10/0/0 Motion carried.

B. In the matter of the license of Joshua Boyd Keith

IREC 08-30

Re: Request for Withdrawal of Probation

A motion was made and seconded to issue a notice of proposed dismissal.

Brown/Boyter

10/0/0 Motion carried.

C. In the matter of the license of Derek Christopher Johnson

IREC 09-68

Re: Request for Withdrawal of Probation

A motion was made and seconded to issue a notice of proposed dismissal.

Brown/Boyter

10/0/0 Motion carried.

D. In the matter of the license of Dan A. Wait aka Michael Dan Wait

IREC 09-14

Re: Request for Withdrawal of Probation

Present:

Dan Wait, Respondent

Lisa Wolfe, Deputy Attorney General

A motion was made and seconded to terminate the probation on the license.

McClain/Boyter

10/0/0 Motion carried.

E. In the matter of the license of Aaron Bybee Adams

IREC 10-03

Re: Petition for Reinstatement from Suspension

Present:

Aaron Adams, Respondent

Laura Turner, Deputy Attorney General

A motion was made and seconded to lift the suspension.

McClain/Bock

10/0/0 Motion carried.

F. In the matter of the license of Cheryl Underwood

IREC 09-41

Re: Disciplinary Hearing

A motion was made and seconded to accept the settlement agreement as presented.

Shook/Bock

7/0/3 Motion carried. (Cox, McClain and Reed recused)

VIII. SHOW CAUSE HEARINGS

A. In the matter of Jay Thomas

IREC 11-23

Present:

Kelsie Moore, Deputy Attorney General

The state asks for a notice of proposed default. A motion was made and seconded to issue a NPD.

Reed/Lunsford

10/0/0 Motion carried.

IX. SUMMARY SUSPENSION HEARINGS

A. In the matter of the license of Derek B. Crager

IREC 11-31

Re: Petition for Summary Suspension

Settlement and complaint filed.

A motion was made and seconded to approve the settlement agreement.

Shook/Lunsford

8/0/2 (Reed recused, McClain abstained)

B. In the matter of the license of Craig H. Bartels

IREC 11-32

Re: Petition for Summary Suspension

Settlement and complaint filed.

A motion was made and seconded to approve the settlement agreement.

Shook/Brown

8/0/2 (Reed recused, McClain abstained)

X. PERSONAL APPEARANCE

A. Antoine Lewis

A motion was made and seconded to approve the application.

Reed/Litten

10/0/0 Motion carried.

B. Stephanie Kellams

A motion was made and seconded to renew on probation with the usual criminal probation.

McClain/Brown
10/0/0 Motion carried.

XI. PETITION FOR REVIEW

A. In the matter of Danielle Hisaw

IREC 11-29

Re: Petition for Review of Order of Suspension

Present:

Danielle Hisaw

A motion was made and seconded to reduce fine to \$100 and require it be paid before suspension can be lifted.

Shook/Boyer
10/0/0 Motion carried.

XII. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. In the matter of the license of Kim Manlief

IREC 10-28

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order.

Shook/McClain
9/0/1 (Bock recused)

B. In the matter of the license of Pete La Salle

IREC 11-17

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order.

Bock/McClain
9/0/1 (Cox recused)

C. In the matter of the license of Hazel J. Lukes

IREC 11-13

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to approve the Proposed Findings of Fact, Conclusions of Law and Order.

Bock/McClain
9/0/1 (Cox recused)

D. In the matter of the license of Brian Gale Waters

IREC 08-27

Re: Administrative Law Judge Panel Final Order

A motion was made and seconded to require briefs to be submitted. Briefs are due July 1, 2011 and oral arguments will be heard at the July meeting.

McClain/Litten
10/0/0 Motion carried.

E. In the matter of the license of Elizabeth Van Camp

IREC 11-05

Re: Administrative Law Judge Panel Final Order

A motion was made and seconded to deny the motion to strike and to ask the parties to file briefs before July 1, 2011.

McClain/Lunsford
10/0/0 Motion carried.

F. In the matter of the license of Donald Johnson

IREC 10-30

Re: Joint Motion to Extend Summary Suspension

A motion was made and seconded to approve the agreed extension of summary suspension.

Lunsford/Bock
10/0/0 Motion carried.

XIII. OLD/NEW BUSINESS

A. CE approval request/John Cox

A motion was made and seconded to deny the request for CLE to count for his broker renewal.

McClain/Reed
10/0/0 Motion carried.

B. Letter from Indiana Farmers Mutual Insurance Co.

The Commission is not interested in entertaining their request.

C. Fee rules

The Director gave a summary of some new rules that will be coming their way in the next few months that will reorganize their fees into one central location.

D. Overhaul of rules

The Commission met on May 31, 2011 to review the overhaul of rules document. They will re-meet on July 12, 2011 at 1pm.

E. Real estate school compliance letter

Eric Felde, Compliance Director, explained to the Commission that he will be mailing out letters to all approved pre-licensing schools informing them of their current ranking and that the Commission will be monitoring their compliance with licensure law.

F. Cease and Desist protocol

A motion was made and seconded to designate the Commission Director and the Compliance Director to issue Motions to Cease and Desist to then be forwarded to Chair or Vice Chair to determine whether or not to file an Order to Show Cause.

Reed/McClain
10/0/0 Motion carried.

G. Online renewal processing fees

The Director provided an explanation regarding the online renewal processing fees from the IT Director and the Executive Director of the Professional Licensing Agency.

H. In the matter of the unlicensed practice of James E. Champer, Jr.

IREC 11-34

Re: Motion for Order to Cease and Desist

A motion was made and seconded to issue an order to show cause.

Bock/McClain
10/0/0 Motion carried.

XIV. Application Review Committees

A. Positive Responses

1. Valerie Martinelli - Approved
2. Carlie S. Lamb – Approved on probation with terms that coincide with criminal probation.

B. Application for Acceptance of College Course Credits

1. Ryan A. Kelly, CPA - Approved
2. Steven W. Kingsley - Approved
3. Damien Andrew Yoder - Approved

C. Application for Waiver of One Year Experience

1. Just Jean Grace – Approved for one year experience but needs to take education and exam.
2. Jari Johnson - Denied

D. Application for Waiver of Continuing Education

1. Viktor Pejic – Approved

A motion was made and seconded on each of the above.

Reed/McClain
10/0/0 Motion carried.

XXI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Commission adjourned at 11:30 a.m.

Carolyn McClintock, Chair